

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

FORMCRETE, CO., INC., §  
§  
Plaintiff, §  
§  
v. §  
§  
NUROCK CONSTRUCTION, LLC, and §  
ROBERT HOSKINS, INDIVIDUALLY, §  
§  
Defendants. §

CASE NO. 4:07cv290

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 29, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's case be dismissed without prejudice.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Defendant's Motion to Dismiss for Failure to State a Claim and Failure to Plead with Particularity (Dkt. 5) is GRANTED.

**IT IS SO ORDERED.**

**SIGNED this 19th day of September, 2007.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE